

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAN'S EXCAVATING, INC. et. al,

Case No. 17-12579

Plaintiff/Counter-Defendant,

v.

Honorable Nancy G. Edmunds

INTERNATIONAL UNION OF OPERATING  
ENGINEERS LOCAL NO. 324, A, B, C, D,  
G, H, P, RA, S-ALF-CIO,

Defendant/Counter-Plaintiff.

**JUDGMENT**

For the reasons stated in the Court's opinion and order granting defendant/counter-plaintiff's motion for summary judgment [11], denying plaintiff/counter-defendant's motion for summary judgment [13], and dismissing third-party defendant's motion to dismiss [9] as moot the plaintiff's complaint is dismissed in favor of the parties pursuing their grievance though arbitration pursuant to the terms of the parties' grievance-arbitration procedure as provided for in the CBA.

s/Nancy G. Edmunds  
Nancy G. Edmunds  
United States District Judge

Dated: December 8, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 8, 2017, by electronic and/or ordinary mail.

s/ L. Bartlett  
Case Manager